

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/939,339	08/24/2001	Densen Cao	5045.2	3615
75	90 11/06/2002			
Daniel P. McCarthy PARSONS, BEHLE & LATIMER 201 South Main Street, Suite 1800			EXAMINER	
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P.O. Box 45898 Salt Lake City, UT 84145-0898			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES DEPARTMENT OF COMMERCE Patent and Tradema

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO. CONTROL NO.

FIRST NAMED INVENTOR / **PATENT IN REEXAMINATION**  ATTORNEY DOCKET NO.

**EXAMINER** 

**ART UNIT** 

**PAPER** 

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DATE MAILED:

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## **Commissioner of Patents and Trademarks**

Applicant's cancelation of claims 1-27 and submission of claims 28-54 is considered non-responsive because the new claims consist of different species similar to original claims 1-27. For example, claims 35-40 comprise different species as stated in the original restriction. Note also that new claims 29-34 depend on canceled claim 1. Obviously the intention was apparently to make them depend on claim 28. Nevertheless they would also comprise different species. Likewise claims 42-54 also comprise distinct species. Applicant must elect one distinct species under 35USC121. Claims 28 and 41 are generic. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

EXAMINER